

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: 6/9/21

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

CRISTINA MONTIJO,

Judgment Debtor,

and

SAN DIEGO UNIFIED SCHOOL DISTRICT,

Garnishee.

17 CR 518-01 (BCM)

PROPOSED

**FINAL ORDER
OF GARNISHMENT**

WHEREAS, pursuant to the Mandatory Victim Restitution Act, 18 U.S.C. § 3613, and the Federal Debt Collection Procedure Act, 28 U.S.C. § 3205, the United States of America (“the Government”) sought, obtained, and served a Writ of Garnishment on the SAN DIEGO UNIFIED SCHOOL DISTRICT (“the Garnishee”) for substantial nonexempt property belonging to or due the Defendant-Judgment Debtor, CRISTINA MONTIJO (Dkts. 35-36);

WHEREAS, the Garnishee answered that it has nonexempt disposable monthly earnings for Montijo in its possession, custody, or control from which it began withholding 25% in the April 2021 pay period (Dkt. 37);

WHEREAS, after the Government served Montijo with the garnishment process (Dkt. 36), she claimed inapplicable exemptions and requested a transfer of the garnishment proceeding to the Southern District of California for a hearing (Dkt. 33);

WHEREAS, by Order dated May 19, 2021 (Dkt. 39), the Court denied Montijo’s claimed exemptions and request for a hearing pursuant to 28 U.S.C. §§ 3013; 3202(d); and 18 U.S.C. § 3613(a);

IT IS HEREBY ORDERED that the Garnishee, SAN DIEGO UNIFIED SCHOOL DISTRICT, shall pay to the Clerk of Court within 15 days from the date of this order the nonexempt property it has in its possession, custody, or control belonging to or due the Defendant-Judgment Debtor, CRISTINA MONTIJO, namely 25% of her disposable earnings, as defined in 15 U.S.C. § 1672, from the April 2021 pay period and continuing each pay period, until the Government notifies the Garnishee that the judgment debt is paid in full or further order of this Court. Payments should be made to "Clerk of Court" with "No. 17 CR 518" written on the face of each payment delivered to the United States District Court, 500 Pearl Street, Room 120, New York, New York 10007, Attn: Cashier.

Dated: New York, New York
6/9, 2021


UNITED STATES MAGISTRATE JUDGE